Docket No.: 043888-0380 PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Customer Number: 53080

: Confirmation Number: 4018 Ken NISHIMURA, et al.

Group Art Unit: 1795 Application No.: 10/540,867

Filed: June 27, 2005 Examiner: Bryant P. Suitte

For: ELECTROCHEMICAL DEVICE AND METHOD FOR PRODUCING THE SAME

## INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

## CERTIFICATION PARAGRAPH

The undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a 10/540,867

counterpart foreign application not more than three months prior to the filing of this Information

Disclosure Statement as described in 37 CFR 1.97(e)(1).

Each Japanese reference was cited in a corresponding Japanese application office action

and its relevance discussed therein. A copy of the Japanese Office Action is attached for the

Examiner's information.

Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to

such deposit account.

Respectfully submitted.

MODERATO TO WHAL & EMERY LLP

Michael E. Fogart Registration No. 16,139

600 13<sup>th</sup> Street, N.W. Washington, DC 20005-3096 Phone: 202.756.8000 MEF:mjb

Facsimile: 202.756.8087 **Date: April 3, 2009** 

Please recognize our Customer No. 53080 as our correspondence address.

2